

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

District of New Mexico

**FILED**UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

United States of America )

v. )

Case No. )

DEC 19 2018

Michael Nissen )  
Year of Birth: 1965 )  
SSAN: 3899 )

1902 4031

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 12/19/2018 in the county of Bernalillo in the  
District of New Mexico, the defendant(s) violated:

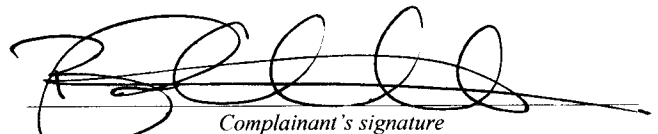
Code Section

Offense Description

18: 875(c)

Interstate Communication

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

PETER UBBELOHDE, SPECIAL AGENT  
Printed name and title

Sworn to before me and signed in my presence.

Date: 12/19/2018City and state: Albuquerque, New Mexico

Judge's signature

Steven C. Yarbrough  
Printed name and title

U.S. MAGISTRATE JUDGE

**AFFIDAVIT OF Peter Jon Nystrom Ubbelohde**

Your Affiant, Peter Jon Nystrom Ubbelohde, having been first duly sworn, does hereby depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been employed in this capacity since June 2015. I am currently assigned to the Albuquerque Division of the FBI, Counter Terrorism Program, with a primary duty to investigate individuals involved in domestic terrorism. I have participated in multiple domestic terrorism investigations, including those related to acts of violence. The information set forth in this affidavit has been derived from my own investigation or communicated to me by other sworn law enforcement officers or from reliable sources.
2. This affidavit will show there is probable cause in support of a criminal complaint against Michael Nissen (Nissen) for two counts of making threatening interstate communications contrary to 18 USC § 875(c). As detailed below, the first such communication occurred on November 2, 2018, and the second on November 26, 2018.
3. The statements contained in this affidavit are based upon your Affiant's investigation, training and experience and information provided by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, your Affiant has not included each and every fact known to your Affiant concerning this investigation. Your Affiant has set forth only the facts which your Affiant believes are necessary to establish probable cause to support a criminal complaint and arrest warrant against Michael Nissen, in violation of 18 USC § 875.
4. 18 USC § 875 prohibits transmitting in interstate communication any threat to injure the person of another.

**FACTS**

5. On November 2, 2018, at approximately 5:45 p.m. New Mexico State Police (NMSP) Officer Burd pulled over Nissen on Interstate 40 in Torrance County near mile marker 194 and

issued him multiple citations.

6. On November 2, 2018, starting at 6:18 p.m., NMSP dispatch received multiple phone calls from telephone number 505-819-1806 and caller ID listing Michael Nissen. The male caller referenced a NMSP officer that just pulled him over and issues him citations. During the calls the caller made the following statements, "You guys got some of the stupidest fucking pigs on the road. The next time someone violates me like that on the road, I'm gonna put a bullet in that fucking pig's head." and, "He violated my 4<sup>th</sup> amendment constitution, he violated my 2<sup>nd</sup> and my 1<sup>st</sup> amendment and the next time he does it I'm gonna plea the 5<sup>th</sup>, but next time I'm gonna take my revolver out and put that mother fucker drop dead..." The caller also made multiple statements regarding the NMSP's lack of understanding of the law.

7. In November, 2018, NMSP Internal Affairs received a complaint via telephone from Nissen regarding the NMSP officer who pulled him over and issued him citations. On November 26, 2018 NMSP Internal Affairs received an email from email address "johnny2bravo1@gmail.com" about a violation of their rights. The email contained carrier information that it was sent from a T-Mobile 4G LTE device.

8. On November 26, 2018, NMSP District 5 administrative assistant received a call from phone number 505-819-1806. During the call, the male caller became verbally combative and threatened to shoot the NMSP employee in the head.

9. On December 13, 2018, Nissen spoke with Bernalillo County Sheriff's Deputies at their office to complain about the NMSP. During their interview, Nissen had his mobile phone present and told deputies his phone number was 505-819-1806 and he lives at "1025 Walker." That address is located in Bernalillo County, New Mexico. Nissen said he doesn't own a computer and does all his emailing and internet research from his mobile phone. Nissen said his email address is "johnny2bravo1@gmail.com." Nissen stated he was pulled over by NMSP near mile marker 194 and given multiple citations. Nissen said after the traffic stop he called the NMSP to "just get it done and then it got a little crazy" and, "I didn't make no threatening calls, but I kept calling them about the law." Nissen said he owned multiple firearms including rifles and a revolver. Nissen says

he carries his revolver on the streets and carrying his gun concealed is to protect himself from rouge state cops. Nissen said he called NMSP Internal Affairs to make a complaint against the state police.

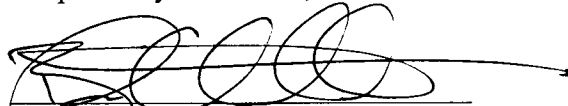
10. On December 10, 2018 the Torrance County administrative email account received two emails from Nissen. The emails contained photos of documents. The EXIF data of these photos recorded they were taken on December 8, 2018 by a SM-N920T (a Samsung Galaxy Note 5, T-Mobile). Samsung does not manufacture phones in New Mexico.

11. T-Mobile uses a cellular network on a GSM carrier with equipment physically located throughout the country. T-Mobile is headquartered in Bellevue, Washington. Based on my training and experience, even when individuals are physically located in the same state, it is common for their cellular phone communications to cross state lines based on the cellular provider's communication infrastructure and network efficiency.

12. Based on the aforementioned facts, there is probable cause to believe that Michael Nissen, committed the November 2 and 26, 2018, phone calls containing threats of violence, in violation of 18 USC § 875.

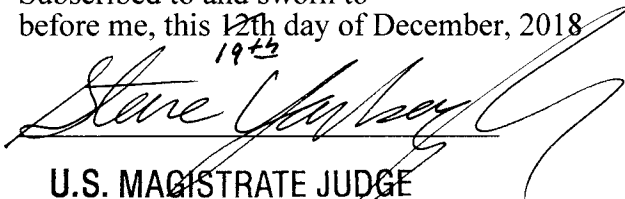
I swear that this information is true and correct to the best of my knowledge, information and belief.

Respectfully submitted,



Peter Jon Nystrom Ubbelohde  
Special Agent  
Federal Bureau of Investigation

Subscribed to and sworn to  
before me, this 12<sup>th</sup> day of December, 2018



U.S. MAGISTRATE JUDGE  
ALBUQUERQUE, NEW MEXICO